



Commissioner Chong
July 6, 1995
Page Three

terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked. Fourth, Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minority and ethnic groups) they have promised the FCC they would offer. Fifth, Satellite DARS services should be subscription-supported so that operators have an economic framework to permit delivery of niche programming to specialized or geographically dispersed markets. Sixth, because they are functionally equivalent to broadcasters, DARS operators should be subject to the same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunity provisions. Finally, in order to ensure that Satellite DARS is implemented in a manner that preserves and augments existing local radio, the Commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.

WYSP-FM looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, WYSP-FM urges the Commission to take into consideration the realities of the existing broadcast marketplace as it moves toward bringing technological advances to listeners of our station and other stations nationwide.

Sincerely,

Kenneth C. Stevens
Vice President/General Manager

KCS/mab

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AUG 17 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

June 27, 1995

DOCKET FILE COPY ORIGINAL

Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL



Re: Satellite Digital Audio Radio
Gen. Docket 90-357, Rm. No. 8610

KOME RADIO

3031 Tisch Way
Suite 3 Plaza West
San Jose
California
95128
408/985-9800
FAX 408/296-8962

Dear Commissioner Chong:

It is my understanding that the Federal Communications Commission has recently issued a Notice of Proposed Rulemaking regarding service and licensing rules for Satellite Digital Audio Radio ("DARS"). Please associate the comments of Audio House, Incorporated, licensee of Radio Station KOME, San Jose, California with this rulemaking proceeding. Infinity Broadcasting Corporation, KOME's parent corporation, may choose to submit comments on this issue prior to the comment deadline, but this letter is submitted to reflect the local perspective of KOME on service rules and licensing for Satellite DARS.

In my position as General Manager of KOME, I am acutely aware of the effect that Satellite DARS will have on the local marketplace for radio stations nationwide including KOME. KOME supports the Commission's attempts to make technological advances like digital radio available to listeners nationwide. However, as General Manager of an existing radio station competing in the day-to-day marketplace, I believe it is important for the Commission to understand that the decisions it makes with respect to Satellite DARS have the potential to harm the ability of KOME and other community-based broadcasters to provide local service in the public interest.

As the Commission is well aware, the obligation that broadcasters have to serve their communities of license has always been one of the touchstones of local radio service. KOME currently fulfills this obligation by providing listeners in the San Jose area with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and weekly programs such as The Expressway Show which address issues of concern to listeners in the San Jose

An Infinity Station

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List A B C D E

metropolitan area. KOME's ability to provide such local programming and services to listeners in San Jose will be dramatically reduced or eliminated in the future if our station is forced to compete for advertising revenue with national state-of-the-art Satellite DARS "super stations." If the Commission allows 60 new satellite super stations to broadcast in the San Jose area, our listeners are likely to tune into KOME only for local information, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable.

In contrast to the magnitude of public service programming that stations like KOME provide, Satellite DARS operators will be unable to duplicate the important public interest benefits of existing local-oriented stations. Yet as described above, the addition of 60 new super stations in the San Jose market will inevitably fragment the audiences that make stations like KOME viable. In turn, this will jeopardize the import benefits now provided by terrestrial broadcasters, the very benefits that national satellite super stations cannot replicate.

In order to minimize the impact of Satellite DARS on existing broadcasters and to preserve local radio service, KOME respectfully asks the Commission to adopt the following basic principles as it addresses further implementation of Satellite DARS:

- * The Commission should remove existing national and local ownership limits on terrestrial broadcasters to allow stations like ours to compete fairly with Satellite DARS operators;

- * The Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed;

- * As part of the Satellite DARS service rules rulemaking, the Commission should seek additional information and studies evaluating the risk of economic harm that Satellite DARS will cause both existing terrestrial radio broadcasters and ultimately local radio service;

- * Because they are functionally equivalent to broadcasters, Satellite DARS operators should be subjected to the same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunities provisions;

Commissioner Chong
June 27, 1995
Page -3-

* Satellite radio ventures should be prohibited from using ground-based equipment such as terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked;

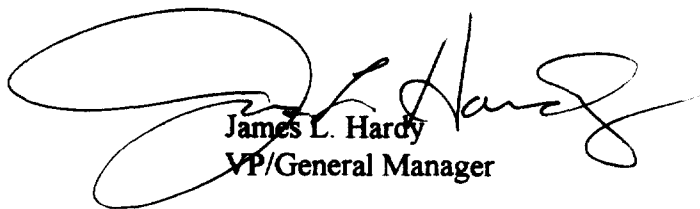
* Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minorities and ethnic groups) they have promised the FCC they would offer;

* Satellite DARS services should be subscription-supported so that Satellite DARS operators have an economic framework to permit delivery of niche programming to specialized and geographically dispersed markets;

* In order to ensure that Satellite DARS is implemented in a manner that preserves and augments existing local radio, the Commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.

KOME looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, KOME urges the Commission to take into consideration the realities of the existing broadcast marketplace and the importance of local radio service as it moves towards bringing technological advances to listeners of our station and other stations nationwide.

Sincerely,



James L. Hardy
VP/General Manager

JH:jp



June 27, 1995

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Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF CLERKSHIP

RE: Satellite Digital Audio Radio
Gen. Docket 90-357, Rm. No. 8610

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Dear Commissioner Chong:

In response to the Federal Communications Commission's Notice of Proposed Rulemaking No. 8610, Infinity Broadcasting of Michigan, licensee of WOMC, Detroit, Michigan submits the following comments on the proposed licensing and service rules for Satellite Digital Audio Radio ("DARS"). WOMC parent corporation, Infinity Broadcasting Corporation, may submit its own comments in this docket prior to the comment deadline, but this letter is submitted to reflect the local perspective of WOMC on the issue of Satellite DARS.

As General Manager of Radio Station WOMC, I am writing to express my concern about the significant impact that Satellite Digital Audio Radio ("DARS") and the licensing and service rules for DARS to be drafted by the FCC will have on WOMC and its listeners in the Detroit Metropolitan area. WOMC, along with others in the broadcast industry, supports the Commission's attempts to make technological advances like digital radio available to listeners nationwide. It is important for the Commission to understand, however, that the decisions it makes in bringing about technological changes will dramatically alter the local marketplace for radio stations nationwide and are almost certain to have a negative effect on the ability of local broadcasters such as WOMC to serve their communities of license.

As you know, a radio station's basic FCC obligation is to provide the station's community of license with programs to meet its needs and interests. Currently WOMC provides listeners with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and weekly programs such as Metro Magazine which address issues of concern to listeners in the Detroit Metropolitan area. WOMC is also involved in many on-air fund raising activities including the station's annual "Christmas Is For Kids" benefitting Childrens Hospital of Michigan. In the future, however, if WOMC is forced to compete for advertising revenue with 60 new state-of-the-art Satellite DARS "super stations" in our market, WOMC may also be forced to dramatically reduce or eliminate many of these local public affairs programs and community outreach efforts. Given the fixed costs of operating a radio station in a highly competitive market such as Detroit, any loss in national advertising revenues to satellite super stations, however small, will have a significant impact on WOMC's overall profits and our ability to serve local needs.

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Although proponents of Satellite DARS will argue that WOMC's listeners in the Detroit area will continue to tune into the station for local information, the Commission needs to understand that local radio stations like WOMC survive on ratings alone. Our station needs listeners to tune in for a set amount of time each day in order to keep our ratings at a level sufficient to attract local and national advertisers. If 60 new satellite super stations are introduced in the Detroit area, listeners are likely to tune into existing broadcast stations like WOMC only for local information, as needed, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable. Due to the fact that the Commission's existing ownership rules limit single entities to the ownership of, at most, only four stations in a market, existing operators like WOMC have their "hands tied" by regulations even if they want to compete with satellite operators who will have 60 stations in every market.

As the Commission considers service and licensing rules for Satellite DARS, it should keep in mind that there are a number of ways to minimize the impact of satellite radio on existing community-based broadcasters such as WOMC.

First, the Commission should remove existing national and local ownership limits on terrestrial broadcasters to allow a station like ours to compete fairly with satellite operators. Second, the Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed. Third, satellite radio ventures should be prohibited from using ground-based equipment such as terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked. Fourth, Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minority and ethnic groups) they have promised the FCC they would offer. Fifth, Satellite DARS services should be subscription-supported so that operators have an economic framework to permit delivery of niche programming to specialized or geographically dispersed markets. Sixth, because they are functionally equivalent to broadcasting, DARS operators should be subject to the same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunity provisions. Finally, in order to ensure that Satellite DARS is implemented in a manner that preserves and augments existing local radio, the Commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.

WOMC looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, WOMC urges the Commission to take into consideration the realities of the existing broadcast marketplace as it moves towards bringing technologies advances to listeners of our station and other stations nationwide.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elaine R. Baker", is written over a horizontal line.

Elaine R. Baker

Vice President and General Manager

WJJD • WJMK

180 North Michigan Avenue • Suite 1200 • Chicago, IL • 60601 • (312) 977-1800 • FAX (312) 977-1859

June 27, 1995

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Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

Re: Satellite Digital Audio Radio
Gen. Docket 90-357, Rm. No. 8610

95-91

Dear Commissioner Chong:

It is my understanding that the Federal Communications Commission has recently issued a Notice of Proposed Rulemaking regarding service and licensing rules for Satellite Digital Audio Radio ("DARS"). Please associate the comments of Infinity Broadcasting Corporation, licensee of Radio Station WJJD/WJMK, Chicago, Illinois with this rulemaking proceeding. Infinity Broadcasting Corporation, WJJD/WJMK's parent corporation, may choose to submit comments on this issue prior to the comment deadline, but this letter is submitted to reflect the local perspective of WJJD/WJMK on service rules and licensing for Satellite DARS.

In my position as General Manager of WJJD/WJMK, I am acutely aware of the effect that Satellite DARS will have on the local marketplace for radio stations nationwide including WJJD/WJMK. WJJD/WJMK supports the Commission's attempts to make technological advances like digital radio available to listeners nationwide. However, as General Manager of an existing radio station competing in the day-to-day marketplace, I believe it is important for the Commission to understand that the decisions it makes with respect to Satellite DARS have the potential to harm the ability of WJJD/WJMK and other community-based broadcasters to provide local service in the public interest.

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Commissioner Chong

June 27, 1995

Page - 2 -

As the Commission is well aware, the obligation that broadcasters have to serve their communities of license has always been one of the touchstones of local radio service. WJJD/WJMK currently fulfills this obligation by providing listeners in the Chicago area with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and weekly programs such as Chicago Viewpoint, Sounds of Chicago, Your Health Matters, Chicago Law and Your Money which address issues of concern to listeners in the Chicago metropolitan area. WJJD/WJMK's ability to provide such local programming and services to listeners in Chicago will be dramatically reduced or eliminated in the future if our station is forced to compete for advertising revenue with national state-of-the-art Satellite DARS "super stations". If the Commission allows 60 new satellite super stations to broadcast in the Chicago area, our listeners are likely to tune into WJJD/WJMK only for local information, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable.

In contrast to the magnitude of public service programming that stations like WJJD/WJMK provide, Satellite DARS operators will be unable to duplicate the important public interest benefits of existing local-oriented stations. Yet as described above, the addition of 60 new super stations in the Chicago market will inevitably fragment the audiences that make stations like WJJD/WJMK viable. In turn, this will jeopardize the important benefits now provided by terrestrial broadcasters, the very benefits that national Satellite super stations cannot replicate.

In order to minimize the impact of Satellite DARS on existing broadcasters and to preserve local radio service, WJJD/WJMK respectfully asks the Commission to adopt the following basic principles as it addresses further implementation of Satellite DARS:

- The Commission should remove existing national and local ownership limits on terrestrial broadcasters to allow stations like ours to compete fairly with Satellite DARS operators;
- The Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed;

Commissioner Chong
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- As part of the Satellite DARS service rules rulemaking, the Commission should seek additional information and studies evaluating the risk of economic harm that Satellite DARS will cause both existing terrestrial radio broadcasters and ultimately local radio service;
- Because they are functionally equivalent to broadcasters, Satellite DARS operators should be subjected to the same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunities provisions;
- Satellite radio ventures should be prohibited from using ground-based equipment such as terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked;
- Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minorities and ethnic groups) they have promised the FCC they would offer;
- Satellite DARS services should be subscription-supported so that Satellite DARS operators have an economic framework to permit delivery of niche programming to specialized and geographically dispersed markets;
- In order to ensure that Satellite DARS is implemented in a manner that preserves and augments existing local radio, the Commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.

Commissioner Chong
June 27, 1995
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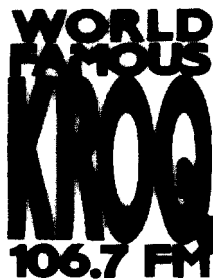
- WJJD/WJMK looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, WJJD/WJMK urges the Commission to take into consideration the realities of the existing broadcast marketplace and the importance of local radio service as it moves towards bringing technological advances to listeners of our station and other stations nationwide.

Sincerely,

A handwritten signature in cursive script, reading "Harvey A. Pearlman".

Harvey A. Pearlman
Vice President/General Manager

HAP:ak



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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

3500 WEST OLIVE AVENUE • SUITE 900 • BURBANK • CALIFORNIA 91505 • (818) 567-1067 • FAX (818) 841-5903

July 6, 1995

DOCKET FILE COPY ORIGINAL

Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission
1919 M. Street, NW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Satellite Digital Audio Radio
Gen. Docket 90-357, Rm. No. 8610

Dear Commissioner Chong:

It is my understanding that the Federal Communications Commission has recently issued a Notice of Proposed Rulemaking regarding service and licensing rules for Satellite Digital Audio Radio ("DARS"). Please associate the comments of Infinity Broadcasting, licensee of Radio Station KROQ, Pasadena, CA. with this rulemaking proceeding. Infinity Broadcasting Corporation, KROQ's parent corporation, may choose to submit comments on this issue prior to the comment deadline, but this letter is submitted to reflect the local perspective of KROQ on service rules and licensing for Satellite DARS.

In my position as General Manager of KROQ, I am acutely aware of the effect that Satellite DARS will have on the local marketplace for radio stations nationwide including KROQ. KROQ supports the Commission's attempts to make technological advances like digital radio available to listeners nationwide. However, as General Manager of an existing radio station competing in the day-to-day marketplace, I believe it is important for the Commission to understand that the decisions it makes with respect to Satellite DARS have the potential to harm the ability of KROQ and other community-based broadcasters to provide local service in the public interest.

As the Commission is well aware, the obligation that broadcasters have to serve their communities of license has always been one of the touchstones of local radio service. KROQ currently fulfills this obligation by providing listeners in the Los Angeles area with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and weekly programs such as Loveline and Openline which address issues of concern to listeners in the Los Angeles metropolitan area. KROQ's ability to provide such local programming and services to listeners in LA will be dramatically reduced or eliminated in the future if our station is forced to compete for advertising revenue with national state-of-the-art Satellite DARS "super stations". If the



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Commission allows 60 new Satellite super stations to broadcast in the LA area, our listeners are likely to tune into KROQ only for local information, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable.

In contrast to the magnitude of public service programming that stations like KROQ provide, Satellite DARS operators will be unable to duplicate the important public interest benefits of existing local-oriented stations. Yet as described above, the addition of 60 new super stations in the LA market will inevitably fragment the audiences that make stations like KROQ viable. In turn, this will jeopardize the important benefits now provided by terrestrial broadcasters, the very benefits that national satellite super stations cannot replicate.

In order to minimize the impact of Satellite DARS on existing broadcasters and to preserve local radio service, KROQ respectfully asks the Commission to adopt the following basic principles as it addresses further implementation of Satellite DARS:

- * The Commission should remove existing national and local ownership limits on terrestrial broadcasters to allow stations like ours to compete fairly with Satellite DARS operators;

- * The Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed;

- * As part of the Satellite DARS service rules rulemaking, the Commission should seek additional information and studies evaluating the risk of economic harm that satellite DARS will cause both existing terrestrial radio broadcasters and ultimately local radio service;

- * Because they are functionally equivalent to broadcasters, Satellite DARS operators should be subjected to the same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunities provisions;

- * Satellite radio ventures should be prohibited from using ground-based equipment such as terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked;

- * Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minorities and ethnic groups) they have promised the FCC they would offer;

- * Satellite DARS services should be subscription-supported so that Satellite DARS operators have an economic framework to permit delivery of niche programming to specialized and geographically dispersed markets;

* In order to ensure that Satellite DARS is implemented in a manner that preserves and augments existing local radio, the commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.

KROQ looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, KROQ urges the Commission to take into consideration the realities of the existing broadcast marketplace and the importance of local radio service as it moves towards bringing technological advances to listeners of our station and other stations nationwide.

Sincerely,

A handwritten signature in black ink, appearing to read "Trip Reeb", written in a cursive style.

Trip Reeb
General Manager



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June 27, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission
1919 M. Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: **Satellite Digital Audio Radio**
Gen. Docket 90-387, Rm. No. 8610

Dear Commissioner Chong:

It is my understanding that the Federal Communications Commission has recently issued a **Notice of Proposed Rulemaking** regarding service and licensing rules for Satellite Digital Audio Radio ("DARS"). Please associate the comments of **Infinity Broadcasting Corporation of Dallas**, licensee of Radio KLUV, Dallas, Texas below with this rulemaking proceeding. Infinity Broadcasting Corporation, KLUV's parent corporation, may choose to submit comments on this issue prior to the comment deadline, but this letter is submitted to reflect the local perspective of KLUV on service rules and licensing for Satellite DARS.

In my position as General Manager of KLUV, I am acutely aware of the effect that Satellite DARS will have on the local marketplace for radio stations nationwide including KLUV. KLUV supports the Commission's attempts to make technological advances like digital radio available to listeners nationwide. However, as General Manager of an existing radio station competing in the day-to-day marketplace, I believe it is important for the Commission to understand that the decisions it makes with respect to Satellite DARS have the potential to harm the ability of KLUV and other community-based broadcasters to provide local service in the public interest.

As the Commission is well aware, the obligation that broadcasters have to serve their communities of license has always been one of the touchstones of local radio service. KLUV currently fulfills this obligation by providing listeners in the Dallas/Fort Worth area with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and weekly programs such as "Voices of the 90's", which address issues of concern to listeners in the Dallas/Fort Worth metropolitan area.

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Commissioner Chong

June 27, 1995

Page 2

KLUV's ability to provide such local programming and services to listeners in Dallas/Fort Worth area, our listeners are likely to tune into KLUV only for local information, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable.

In contrast to the magnitude of public service programming that stations like KLUV provide, Satellite DARS operators will be unable to duplicate the important public interest benefits of existing local-oriented stations. Yet as described above, the addition of 60 new super stations in the Dallas/Fort Worth market will inevitably fragment the audiences that make stations like KLUV viable. In turn, this will jeopardize the important benefits now provided by terrestrial broadcasters, the very benefits that national satellite super stations cannot replicate.

In order to minimize the impact of Satellite DARS on existing broadcasters and to preserve local radio service, KLUV respectfully asks the Commission to adopt the following basic principles as it addresses further implementation of Satellite DARS:

- The Commission should remove existing national and local ownership limits on terrestrial broadcasters to allow stations like ours to compete fairly with Satellite DARS operators;**
- The Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed;**
- As part of the Satellite DARS service rules rulemaking, the Commission should seek additional information and studies evaluating the risk of economic harm that Satellite DARS will cause both existing terrestrial radio broadcasters and ultimately local radio service;**
- Because they are functionally equivalent to broadcasters, Satellite DARS operators should be subjected to the same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunities provisions;**

Commissioner Chong

June 27, 1995

Page 3

- **Satellite radio ventures should be prohibited from using ground-based equipment such as terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked;**
- **Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minorities and ethnic groups) they have promised the FCC they would offer;**
- **Satellite DARS services should be subscription-supported so that Satellite DARS operators have an economic framework to permit delivery of niche programming to specialized and geographically dispersed markets;**
- **In order to ensure that Satellite DARS is implement in a manner that preserves and augments existing local radio, the Commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.**

KLUV looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, urges the Commission to take into consideration the realities of the existing broadcast marketplace and the importance of local radio service as it moves towards bringing technological advances to listeners of our station and other stations nationwide.

Sincerely,



**Dave Siebert
General Manager**

DS/pl

1 West Pennsylvania Avenue
Suite 850
Baltimore, Maryland 21204



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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

July 6, 1995

Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Dear Commissioner Chong:

In response to the Federal Communications Commission's Notice of Proposed Rulemaking No. 8610, Infinity Broadcasting of Maryland, licensee of WJFK-AM, Baltimore, Maryland submits the following comments on the proposed licensing and service rules for Satellite Digital Audio Radio ("DARS"). WJFK-AM's parent corporation, Infinity Broadcasting Corporation, may submit its own comments in this docket prior to the comment deadline, but this letter is submitted to reflect the local perspective of WJFK-AM on the issue of Satellite DARS.

As General Manager of Radio Station WJFK-AM, I am writing to express my concern about the significant impact that Satellite Digital Audio Radio ("DARS") and the licensing and service rules for DARS to be drafted by the FCC will have on WJFK-AM and its listeners in the Baltimore area. WJFK-AM, along with others in the broadcast industry, supports the Commission's attempts to make technological advances such as digital radio available to listeners nationwide. It is important for the Commission to understand, however, that the decisions it makes in bringing about technological changes will dramatically alter the local marketplace for radio stations nationwide and are almost certain to have a negative effect on the ability of local broadcasters such as WJFK-AM to serve their communities of license.

As you know, a radio station's basic FCC obligation is to provide the station's community of license with programs to meet its needs and interests. Currently WJFK-AM provides listeners with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and weekly programs such as "Baltimore County Review," "Network 2000," "First Up," "Sunday Morning," and "Basically Baltimore" which address

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Commissioner Chong
July 6, 1995
Page Two

issues of concern to listeners in the Baltimore metropolitan area. In the future, however, if WJFK-AM is forced to compete for advertising revenue with 60 new state-of-the-art Satellite DARS "super stations" in our market, WJFK-AM may be forced to dramatically reduce or eliminate many of these local public affairs programs and community outreach efforts. Given the fixed costs of operating a radio station in a highly competitive market such as Baltimore, any loss in national advertising revenues to satellite super stations, however small, will have a significant impact on WJFK-AM's overall profits and our ability to serve local needs.

Although proponents of Satellite DARS will argue that WJFK-AM's listeners in the Baltimore area will continue to tune into the station for local information, the Commission needs to understand that local radio stations like WJFK-AM survive on ratings alone. Our station needs listeners to tune in for a set amount of time each day in order to keep our ratings at a level sufficient to attract local and national advertisers. If 60 new satellite super stations are introduced in the Baltimore area, listeners are likely to tune into existing broadcast stations like WJFK-AM only for local information, as needed, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable. Due to the fact that the Commission's existing ownership rules limit single entities to the ownership of, at most, only four stations in a market, existing operators like WJFK-AM have their "hands tied" by regulations even if they want to compete with satellite operators who will have 60 stations in every market.

As the Commission considers service and licensing rules for Satellite DARS, it should keep in mind that there are a number of ways to minimize the impact of satellite radio on existing community-based broadcasters such as WJFK-AM.

First, the Commission should remove existing national and local ownership limits on terrestrial broadcasts to allow a station like ours to compete fairly with satellite operators. Second, the Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed. Third, satellite radio ventures should be prohibited from using ground-based equipment such as



Commissioner Chong
July 6, 1995
Page Three

terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked. Fourth, Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minority and ethnic groups) they have promised the FCC they would offer. Fifth, Satellite DARS services should be subscription-supported so that operators have an economic framework to permit delivery of niche programming to specialized or geographically dispersed markets. Sixth, because they are functionally equivalent to broadcasters, DARS operators should be subject to the same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunity provisions. Finally, in order to ensure that Satellite DARS is implemented in a manner that preserves and augments existing local radio, the Commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.

WJFK-AM looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, WJFK-AM urges the Commission to take into consideration the realities of the existing broadcast marketplace as it moves toward bringing technological advances to listeners of our station and other stations nationwide.

Sincerely,

A handwritten signature in black ink, appearing to read "K.C. Stevens". The signature is written in a cursive, flowing style.

Kenneth C. Stevens
Vice President/General Manager

KCS/mab



Infinity Broadcasting Corporation
6301 Ivy Lane, Suite 800
Greenbelt, MD 20770
(301) 441-3500 Sales Fax (301) 441-9555
Programming Fax (301) 345-9505

Benjamin Hill
President/General Manager



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OFFICE OF SECRETARY

July 5, 1995

Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission
1919 M. Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Satellite Digital Audio Radio
Gen. Docket 90-357, Rm. No. 8610

Dear Chairman Chong:

It is my understanding that the Federal Communications Commission has recently issued a Notice of Proposed Rulemaking regarding service and licensing rules for Satellite Digital Audio Radio ("DARS"). Please associate the comments of Infinity Broadcasting of Maryland, licensee of Radio Station WPGC and WPGC-FM, Morningside, Maryland with this rulemaking proceeding. Infinity Broadcasting Corporation, WPGC and WPGC-FM's parent corporation, may choose to submit comments on this issue prior to the comment deadline, but this letter is submitted to reflect the local perspective of WPGC and WPGC-FM on service rules and licensing for Satellite DARS.

It is my position as General Manager of WPGC and WPGC-FM, I am acutely aware of the effect that Satellite DARS will have on the local marketplace for radio stations nationwide including WPGC and WPGC-FM.

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WPGC and WPGC-FM supports the Commission's attempts to make technological advances like digital radio available to listeners nationwide. However, as General Manager of an existing radio station competing in the day-to-day marketplace, I believe it is important for the Commission to understand that the decisions it makes with respect to Satellite DARS have the potential to harm the ability of WPGC and WPGC-FM and other community-based broadcasters to provide local service in the public interest.

As the Commission is well aware, the obligation that broadcasters have to serve their communities of license has always been one of the touchstones of local radio service. WPGC and WPGC-FM currently fulfills this obligation by providing listeners in the Maryland area with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and weekly programs such as "African American Focus", "The Washington Urban Show", "African American Business Association Show", and "Teen Speak Out", which address issues of concern to listeners in the Washington D.C. and metropolitan area. WPGC and WPGC-FM's ability to provide such local programming and services to listeners in Maryland will be dramatically reduced or eliminated in the future if our station is forced to compete for advertising revenue with national state-of-the-art Satellite DARS "super stations". If the Commission allows 60 new satellite super stations to broadcast in the Washington D.C. area, our listeners are likely to tune into WPGC and WPGC-FM only for local information, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable.

In contrast to the magnitude of public service programming that stations like WPGC and WPGC-FM provide, Satellite DARS operators will be unable to duplicate the important public interest benefits of existing local-oriented stations. Yet as described above, the addition of 60 new super stations in the Maryland market will inevitably fragment the audiences that make stations like WPGC and WPGC-FM viable. In turn, this will jeopardize the important benefits now provided by terrestrial broadcasters, the very benefits that national satellite super stations cannot replicate.

In order to minimize the impact of Satellite DARS on existing broadcasters and to preserve local radio service, WPGC and WPGC-FM

respectfully asks the Commission to adopt the following basic principles as it addresses further implementation of Satellite DARS:

- The Commission should remove existing national and local ownership limits on terrestrial broadcasters to allow stations like ours to compete fairly with Satellite DARS operators;**

- The Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed;**

- As part of the Satellite DARS service rules rulemaking, the Commission should seek additional information and studies evaluating the risk of economic harm that Satellite DARS will cause both existing terrestrial radio broadcasters and ultimately local radio service;**

- Because they are functionally equivalent to broadcasters, Satellite DARS operators should be subjected to same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunities provisions;**

- Satellite radio ventures should be prohibited from using ground-based equipment such as terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked;**

- Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minorities and ethnic groups) they have promised the FCC they would offer;**

- Satellite DARS services should be subscription-supported so that Satellite DARS operators have economic framework to permit delivery of niche programming to specialized and geographically dispersed market;**

- In order to ensure that Satellite DARS is implemented in a manner that preserves and augments existing local radio, the Commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.**

WPGC and WPGC-FM looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, WPGC and WPGC-FM urges the Commission to take into consideration the realities of the existing broadcast marketplace and the importance of local radio service as it moves towards bringing technological advances to listeners of our station and other stations nationwide.

Sincerely,

A handwritten signature in cursive script that reads "Ben".

**Edwin B. Hill
General Manager**

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FEDERAL COMMUNICATIONS COMMISSION
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July 6, 1995

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Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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Dear Commissioner Chong:

In response to the Federal Communications Commission's Notice of Proposed Rulemaking No. 8610, Infinity Broadcasting of Maryland, licensee of WLIF-FM, Baltimore, Maryland submits the following comments on the proposed licensing and service rules for Satellite Digital Audio Radio ("DARS"). WLIF-FM's parent corporation, Infinity Broadcasting Corporation, may submit its own comments in this docket prior to the comment deadline, but this letter is submitted to reflect the local perspective of WLIF-FM on the issue of Satellite DARS.

As General Manager of Radio Station WLIF-FM, I am writing to express my concern about the significant impact that Satellite Digital Audio Radio ("DARS") and the licensing and service rules for DARS to be drafted by the FCC will have on WLIF-FM and its listeners in the Baltimore area. WLIF-FM, along with others in the broadcast industry, supports the Commission's attempts to make technological advances such as digital radio available to listeners nationwide. It is important for the Commission to understand, however, that the decisions it makes in bringing about technological changes will dramatically alter the local marketplace for radio stations nationwide and are almost certain to have a negative effect on the ability of local broadcasters such as WLIF-FM to serve their communities of license.

As you know, a radio station's basic FCC obligation is to provide the station's community of license with programs to meet its needs and interests. Currently WLIF-FM provides listeners with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and weekly programs such as "Baltimore Sunday Morning," "Network 2000," "First Up," and "Sunday Morning" which address

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Commissioner Chong
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issues of concern to listeners in the Baltimore metropolitan area. In the future, however, if WLIF-FM is forced to compete for advertising revenue with 60 new state-of-the-art Satellite DARS "super stations" in our market, WLIF-FM may be forced to dramatically reduce or eliminate many of these local public affairs programs and community outreach efforts. Given the fixed costs of operating a radio station in a highly competitive market such as Baltimore, any loss in national advertising revenues to satellite super stations, however small, will have a significant impact on WLIF-FM's overall profits and our ability to serve local needs.

Although proponents of Satellite DARS will argue that WLIF-FM's listeners in the Baltimore area will continue to tune into the station for local information, the Commission needs to understand that local radio stations like WLIF-FM survive on ratings alone. Our station needs listeners to tune in for a set amount of time each day in order to keep our ratings at a level sufficient to attract local and national advertisers. If 60 new satellite super stations are introduced in the Baltimore area, listeners are likely to tune into existing broadcast stations like WLIF-FM only for local information, as needed, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable. Due to the fact that the Commission's existing ownership rules limit single entities to the ownership of, at most, only four stations in a market, existing operators like WLIF-FM have their "hands tied" by regulations even if they want to compete with satellite operators who will have 60 stations in every market.

As the Commission considers service and licensing rules for Satellite DARS, it should keep in mind that there are a number of ways to minimize the impact of satellite radio on existing community-based broadcasters such as WLIF-FM.

First, the Commission should remove existing national and local ownership limits on terrestrial broadcasts to allow a station like ours to compete fairly with satellite operators. Second, the Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed. Third, satellite radio ventures should be prohibited from using ground-based equipment such as